

INDIANA BOARD OF PHARMACY

**Indiana Professional Licensing Agency
Conference Center, Room W064
402 W. Washington St.
Indianapolis, IN 46204**

MINUTES OF April 9, 2007

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Steve Anderson called the meeting to order at 9:11 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Steve Anderson, R.Ph., President
William Cover, R.Ph., Vice President
Del T. Fanning, R.Ph., Member
Winnie Landis, R.Ph., Member
Donna Wall, PharmD., R.Ph, Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

Sara St. Angelo, PharmD., R.Ph., Member, is participating in litigation matters at the time the Board meeting began.

ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Landis/Wall

Motion carried 5/0/0

ADOPTION OF MINUTES FROM March 12, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the March 12, 2007 meeting of the Board.

Landis/Wall

Motion carried 5/0/0

PERSONAL APPEARANCES

Reports were given by the Compliance Officers.

Munster Medical Infusion Pharmacies was requested by the Board to make a personal appearance including the qualifying pharmacists for both pharmacies.

Brian Overholser

Brian Overholser appeared before the Board regarding failure to provide addictionology reports, supervisory reports, and to personally appear. Board recommended that Overholser complete all requirements of the Order and to Petition to Withdraw Probation to be filed thereafter.

Sara St. Angelo arrived at 9:45 a.m.

Presentation on Continuing Education—Purdue Students Chris Day and Blake Griese

Chris Day and Blake Griese appeared before the Board to present continuing education survey.

Director presented continuing education procedure for new statute.

The following Respondents attended a settlement conference with Board member Donna Wall and Respondents' counsel Thomas Farlow.

State of Indiana vs. Nora Apothecary

License No. 60002143A

Administrative Cause No. 2005 IBP 0005

State of Indiana vs. Charles Lindstrom, R.Ph.

License No. 26012389A

Administrative Cause No. 2005 IBP 0002

State of Indiana vs. Deborah DeRolf, R.Ph.

License No. 26018018A

Administrative Cause No. 2005 IBP 0003

Administrative Hearings started at 10:00 a.m. beginning with the following:

State of Indiana vs. Gerry Bowman, R.Ph.

License No. 26017440A

Administrative Cause No. 2006 IBP 0040

Re: Final Hearing

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Anderson

Fanning

Landis

Cover

St. Angelo

Case Summary:

A Complaint was filed adverse the Respondent's license.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to accept the parties' agreement to extend the summary suspension.

Landis/Cover

Motion carried 5/0/0 (Wall not present)

State of Indiana vs. Daniel Behrens, R.Ph.

License No. 26020621A

Administrative Cause No. 2006 IBP 0027

Re: Extension of Summary Suspension

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Case Summary:

A petition to extend the summary suspension of Respondent's license was filed by the State.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to extend the summary suspension of Respondent's license for an additional ninety (90) days.

St. Angelo/Fanning

Motion carried 5/0/0 (Wall not present)

State of Indiana vs. William Axsom, R.Ph.

License No. 26011741A

Administrative Cause No. 2006 IBP 0036

Re: Default Hearing

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Wall

Fanning

Anderson

Landis

St. Angelo

Cover

Case Summary:

A notice of proposed default was issued adverse the Respondent.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to place the Respondent's license on indefinite suspension.

St. Angelo/Landis

Motion carried 5/0/0 (Wall was not present)

A motion was made and seconded to table the application and request a personal appearance for the following pharmacy intern renewal application:

George Moffat—Pharmacy Intern Positive Response Renewal

St. Angelo/Landis

Motion carried 5/0/0

A motion was made and seconded to table the application and request a personal appearance for the following pharmacy intern renewal application:

Eric Spray—Pharmacy Intern Positive Response Renewal

St. Angelo/Cover

Motion carried 5/0/0

A motion was made and seconded to approve the following continuing education hours:

R. Brian Wolfe	(1)
Ann Yates	(4-1hr)

Anderson/Cover

Motion carried 5/0/0

A motion was made and seconded to approve the following HME Provider applications pending inspection:

DERA, Inc
Lynncore Medgroup, Inc
American Oxygen and Medical Equipment, Inc
Assistech LLC
E-Healthcare Solutions LLC
Praxair Healthcare Services Inc
Columbia Medical Distributors LLC

Anderson/Landis

Motion carried 5/0/0

A motion was made and seconded to accept the change of location for the following:

MobilTek Medical Inc—Change of Location

Anderson/Landis

Motion carried 5/0/0

A motion was made and seconded to approve the following wholesale drug distribution applications:

Physician Prescription Services
AmerisourceBergen Drug Corp – conditioned on current license and VAWD approval

St. Angelo/Cover

Motion carried 5/0/0

A motion was made and seconded to approve the following licensure transfers:

Derek Wong	(WI)
Thomas Bremyer	(OH)
Biplob Mitra	(MD)

St. Angelo/Fanning

Motion carried 5/0/0

A motion was made and seconded to approve the following change of location/remodel applications:

New	Old	Received
Homemed Pharmacy 6210 Technology Center Dr Indianapolis, IN 46278	Homemed Pharmacy	March 30, 2007
Grandview Pharmacy #3 25 N Main Hagerstown, IN 47346	Nettlecreek Pharmacy	April 5, 2007

Cover/Landis

Motion carried 5/0/0

MISCELLANEOUS

Board Director's Report

Discussion regarding Online Technician Applications.

Discussion regarding Correspondence to Medical Doctors Regarding Improper Software for Prescriptions.

OLD/NEW BUSINESS

Request Report from the Office of the Attorney General Re: Complaints (IC 25-1-7-13)

A motion was made and seconded to request a report from the Attorney General Complaints per I.C. 25-1-7-13.

Anderson/St. Angelo

Motion carried 5/0/0

Elkhart General Home Care—Request to Change Permit Type

A motion was made and seconded to change the permit type for Elkhart General Home Care to Type III.

Cover/Fanning

Motion carried 5/0/0

A motion was made and seconded to table the review of Trilogy Health Services and its of mechanical devices with personal appearance if necessary.

St. Angelo/Cover

Motion carried 5/0/0

A motion was made and seconded to approve the following new store applications:

<i>Store</i>	<i>Type</i>	<i>Opening</i>	<i>Received</i>
People's Drug Store at Lifeplex 2855 Miller Dr Ste 111 Plymouth, IN 46563	VI	June 18, 2007	March 15, 2007
Pinnacle Hospital 9301 Connecticut Dr Merrillville, IN 46410	II	June 1, 2007	March 26, 2007
Walgreen Co Dba Walgreens #10533 3250 N Morrison Rd Muncie, IN 47304	VI	June 15, 2007	April 4, 2007
Walgreen Co Dba Walgreens #10487 6745 E Southport Rd Indianapolis, IN 46237	VI	June 15, 2007	April 4, 2007

Landis/Cover

Motion carried 5/0/0

A motion was made and seconded to request a personal appearance of the following new store application:

Indiana Animal Health LLC 706 N 4 th St Wolcott, IN 47995	I	May 1, 2007	March 27, 2007
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Landis/Cover

Motion carried 5/0/0

A motion was made and seconded to approve the following change of location/remodel applications:

<i>New</i>	<i>Old</i>	<i>Received</i>
Wal-Mart Pharmacy 10-922 2363 Hwy 135 NW Corydon, IN 47112	Remodel	March 26, 2007
Wal-Mart Pharmacy 10-1665 4801 W Clara Lane Muncie, IN 47304	Remodel	March 30, 2007
Walgreen Co Dba Walgreens #09482 110 E McKinley Ave Mishawaka, IN 46545	Walgreens #03150 3717 Grape Rd Mishawaka, IN 46545	April 3, 2007
Walgreen Co Dba Walgreens #10124 1400 Cassopolis St Elkhart, IN 46514	Walgreens #02837 1416 Cassopolis St Elkhart, IN 46514	April 3, 2007

Wal-Mart Pharmacy 10-6301 10859 E Washington Indianapolis, IN 46229	Remodel	April 4, 2007
Healthsouth Rehabilitation Hospital 501 E St. Anthony Dr Terre Haute, IN 47802	Relocation	March 13, 2007

Landis/Fanning

Motion carried 5/0/0

A motion was made and seconded to table the following application and request PIC signature:

Wal-Mart Pharmacy 10-1665 4801 W Clara Lane Muncie, IN 47304	Remodel	March 30, 2007
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Landis/St. Angelo

Motion carried 5/0/0

A motion was made and seconded to grant a waiver for the following pharmacy technician applications:

Ann Freudinger

Landis /St. Angelo

Motion carried 4/0/1 (Cover abstained)

A motion was made and seconded to approve the following pharmacy technician applications:

Jordan Fullove—Request for Waiver
Paul Kalirai—Positive Response
Jamie Steele—Positive Response
Nicholas Cockerham—Positive Response

Cover/Landis

Motion carried 5/0/0

A motion was made to table and request personal appearance for the following pharmacy technician applications:

Andrea Bowen—Positive Response
Michelle Burg—Positive Response
Ashley Brown—Positive Response

Cover/Landis

Motion carried 5/0/0

A motion was made and seconded to dismiss the matter of Joseph Isbell.

Joseph Isbell, Technician-in-Training

Cover/Fanning

Motion carried 5/0/0

A motion was made and seconded to issue an Order to Show Cause to the following regarding his failure to comply with probation:

Gary Shingleton, R.Ph.

St. Angelo/Cover

Motion carried 4/0/1 (Fanning abstained)

State of Indiana vs. Robert Waite, R.Ph.

License No. 26013430A

Administrative Cause No. 2004 IBP 0019

Re: Default Hearing

Parties and Counsel Present:

Libby Kiefner, Deputy Attorney General

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Case Summary:

A notice of proposed default was issued adverse the Respondent.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded hold the Respondent in default.

St. Angelo/Cover

Motion carried 5/0/0

A motion was made and seconded to indefinitely suspend the Respondent's license with the opportunity to withdraw suspension for fifty (50) years.

Landis/Cover

Motion carried 5/0/0

State of Indiana vs. Beth Ann Thompson, Pharmacy Technician

Certification No. 67006723A

Administrative Cause No. 2005 IBP 0018

Re: Final Hearing

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Anderson

Fanning
Landis
Cover
St. Angelo

Case Summary:

A Complaint was filed adverse the Respondent's license.

Witnesses for the Respondent:

None

Witnesses for the State:

Keith Gregory

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Landis/Cover

Motion carried 5/0/0

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

St. Angelo/Cover

Motion carried 5/0/0

State of Indiana vs. Dawn Bailey, Pharmacy Technician

Certification No. 67009916A

Administrative Cause No. 2007 IBP 0001

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Participating Board Members:

Anderson
Fanning
Landis
Cover
St. Angelo

Case Summary:

A Complaint was filed adverse the Respondent's license.

Witnesses for the Respondent:

None

Witnesses for the State:

Joseph Curylos
Brandon Banacky

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Cover/Fanning

Motion carried 5/0/0

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days

St. Angelo/Landis

Motion carried 5/0/0

Donna Wall returned to the meeting at 2:05 p.m.

State of Indiana vs. Nicole Guess, Pharmacy Technician

Certification No. 67006773A

Administrative Cause No. 2006 IBP 0041

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Participating Board Members:

Anderson

Fanning

Landis

Cover

St. Angelo

Wall

Case Summary:

A Complaint was filed adverse the Respondent's license.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Landis/Cover

Motion carried 6/0/0

A motion was made and seconded to extend the summary suspension for ninety (90) days.

St. Angelo/Cover

Motion carried 6/0/0

State of Indiana vs. Ryan Raines, Pharmacy Technician

Certification No. 67008275A

Administrative Cause No. 2006 IBP 0038

Re: Extension of Summary Suspension

Parties and Counsel Present:

Shelley Johnson, Deputy Attorney General

Participating Board Members:

Wall

Fanning

Anderson

Landis

St. Angelo
Cover

Case Summary:

A petition was filed by the State requesting an extension of the Respondent's summary suspension for an additional ninety (90) days.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to extend the summary suspension of Respondent's license for an additional ninety (90) days.

Landis/Cover

Motion carried 6/0/0

State of Indiana vs. Kimberly Roberts, Pharmacy Technician

Certification No. 67007320A

Administrative Cause No. 2004 IBP 0019

Re: Order to Show Cause

Parties and Counsel Present:

Participating Board Members:

Wall
Fanning
Anderson
Landis
St. Angelo
Cover

Case Summary:

An Order to Show Cause was issued by this Board adverse Respondent.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Cover/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to a permit change to a Type VI for Access to Care Pharmacy.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following closings:

<i>Store</i>	<i>Type</i>	<i>Date closed</i>
Denny's Pharmacy #3 30 S Main St Otterbein, IN 47970	VI	February 5, 2007
Hollons Panorama Pharmacy Inc 2517 E 10 th St Anderson, IN 46012	VI	February 5, 2007

Wall/Cover

Motion carried 6/0/0

The Board approved the appearances of the following probationers:

James Dudek
Elaine Niese
Muataz Noffel
Edward Hine
Gary Trauth

Cover/Landis

Motion carried 6/0/0

The Board approved the appearances of the following probationers:

Teri Mihelich
Dennis Mock
Ruth Ann Murr
Donielle Shead
Jeremiah Strunc
Daniel Weaver
Ernest Whitacre
Steven Zehring
Valerie Ziemkowski

Fanning/Cover

Motion carried 6/0/0

Charmaine Moon Hendrix did not appear. Board requested that she appear at next meeting.

Edward Fritz did not appear.

Non-Resident Pharmacy Discussion-Hours of Operation discussion.

Discussion held regarding voluntary error reporting.

A motion was made and seconded to approve the following non-resident pharmacy applications:

Axium Healthcare Pharmacy, Inc
SeniorMed LLC

Wall/St. Angelo

Motion carried 6/0/0

The meeting adjourned at 3:16 p.m.

Steve Anderson, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, May 14, 2007
Indiana Professional Licensing Agency
Conference Room W064